

In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Monday, July 18, 2006 at 5:00 p.m. at Piccerelli Gilstein & Co., 144 Westminster, Providence, RI.

**MEMBERS PRESENT**

Michael M. Tikoian, Chairman  
Paul E. Lemont  
Bruce Dawson  
Russ Chateaufneuf, DEM

**STAFF PRESENT**

Grover Fugate, CRMC Executive Director  
Jeff Willis, Deputy Director  
Laura Ricketson, Public Education & Outreach Coordinator  
Brian Goldman, Legal Counsel

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**Call to Order.** Mr. Tikoian called the meeting to order at 5:05 p.m.

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Mr. Tikoian opened the meeting with a brief statement of the subcommittee's function and purpose. The Planning and Procedures subcommittee meeting is an open public meeting; it is not a public hearing. Therefore, discussion is available to the Council members themselves, and to all else at the allowance of the Chairman. Mr. Tikoian further explained that the subcommittee is the program and policy development arm of the Council, and that any programmatic decisions made by this group must ultimately be approved by the full Council in accordance with all proper procedures.

Mr. Tikoian made a statement as to why the subcommittee meetings are held at his offices, Piccerilli Gilstein & Company. Mr. Tikoian stated that the meetings are held at Piccerilli Gilstein & Company to facilitate a number of issues: ease of transition from the previous location (CRMC's Providence office at 40 Fountain Street) which had to be changed because the Council's downtown office was closed due to budget cuts; accommodation of subcommittee members whose work locations and/or residences are in or near to Providence; and, it's cost to the agency: free. Mr. Lemont reiterated the fact that the accommodation of members is a key issue for participation in any work of the Council; and, the wear and tear on personal vehicles is high enough and that by holding the meetings in Providence, costs can be kept to a minimum. Also, Mr. Lemont wanted the record to reflect that the Chairman should be congratulated for letting the subcommittee use his company's office space for these meetings because it addresses the many concerns raised above.

Mr. Tikoian asked for a motion to approve the subcommittee's meeting minutes of May 22, 2006.

*Mr. Lemont, seconded by Mr. Dawson, moved to approved the May 22, 2006 meeting minutes. **All voted in favor of the motion.***

Mr. Tikoian asked staff if the transcript from the May 22, 2006 subcommittee meeting/workshop was available, and if so to please send the transcript to the members of the subcommittee with a cover memorandum explaining progress since the workshop.

**Item 4.A. Section 300.4.B.13 – Policies/Outhauls.** G. Fugate explained the need for the revisions in that the issues raised herein arose from a request of local harbor masters at a recent harbor management workshop conducted by the Council. Given the fact that certain shoreline areas currently, and have for many years, contain densities of outhauls in excess of the outhauls regulations for no more than two per lot, municipal harbor masters felt the need to “grandfather” these structures is necessary, with the acknowledgement that such structures would be removed if any subsequent residential dock was approved to be built from that lot. Mr. Chateaufeuf asked for a definition of “grandfather” to be developed for the RICRMP. B. Goldman will develop such for the subcommittee’s review next meeting.

*Mr. Lemont, seconded by Mr. Dawson, moved to approve the proposed revisions adding the year 2003 as the date outhauls need to prove their continuous use. All voted in favor of the motion.*

**Item 4.B. Section 300.4.E.3.s – Recreational Boating Facilities/Standards.** G. Fugate explained that a standard of three feet of water MLW was added to codify standard staff practice for a reasonable maximum depth of water needed at residential docks – noting also the issues associated with docks and SAV impacts. Using three feet at the terminus of the structure provides for the reasonable use of the structure over the public domain, and makes any length of dock that seeks deeper water seek a variance for such use.

*Mr. Lemont, seconded by Mr. Chateaufeuf, moved to approve the proposed revisions as written. All voted in favor of the motion.*

**Item 4.C(a) Section 300.14.B.5 – Maintenance of Structure/Policies.** G. Fugate and J. Willis explained that this policy was being added to address the legislation that gave the Council the ability to perform and/or cause fitness for duty inspections on certain shoreline structures. Mr. Tikoian asked if there was a need to develop such regulation, given the law. J. Willis explained that the statute directed the Council to develop such. B. Goldman will investigate Mr. Tikoian’s question, as well follow-up with legislative counsel as to a citation contained in the statute that may not be the correct citation intended.

Mr. Tikoian asked staff to bring this proposed regulation back to the subcommittee for discussion/decision upon Mr. Goldman’s investigation of the above issues.

**Item 4.C(b) Section 300.14.B.9 – Maintenance of Structure/Policies.** G. Fugate explained that the table being sought for inclusion into this regulation section is a current internal staff review policy of the pertinent regulations regarding structures on barriers. The subcommittee discussed and agreed that this table was beneficial to be codified. The subcommittee made editorial changes to the table.

*Mr. Lemont, seconded by Mr. Chateaufeuf, moved to approve the proposed revision. All voted in favor of the motion.*

**Item 4.D Salt Pond/Narrow River SAMPs Sections 920.1.A and 920.1.B – Open Space Requirements.** J. Willis and G. Fugate explained that staff is investigating how municipalities address requiring open space within subdivisions and how these local policies affect and impact the Council SAMP policies on the same. When municipalities require open space lots as part of a subdivision, those lots cannot be built upon, yet are considered a lot under the Council’s program, often triggering agency jurisdiction. When such jurisdiction is triggered, SAMP density requirements are invoked that penalize the open space lot(s), as the Council’s regulations do not acknowledge lots that are to be used for open space. Said regulations simply see a lot that must conform to density requirements. Staff is completed their work with the municipalities to offer a consistent approach to subdivision reviews such that open space lots can be accommodated beneficially to both levels of jurisdiction.

**Item 5.A. Policy Issues Before the Council.** Mr. Tikoian briefed the subcommittee on how he would like the full Council to be updated on the various issues and agency initiatives/activities currently undertaken. Mr.

Tikoian felt that the Council could be briefed in areas such as policy and program development; education and outreach; and, coordination. Mr. Tikoian also explained how he has been in touch with groups such as Save the Bay to seek their input. Mr. Tikoian also stated how he would like to see a procedure to do this developed as soon as possible for the subcommittee's discussion.

Mr. Tikoian asked the subcommittee members present for their thoughts. Mr. Lemont offered that he would like to be briefed on issues such as Hurricanes and storm preparedness, given that it is hurricane season. Mr. Lemont also feels that the Council needs to be spending more of its time on policy development, rather than on permitting. Maybe the development of a consent calendar for applications recommended for approval by staff and which have no substantive objectives could free-up some time for the Council to discuss policy issues. Additionally, Mr. Lemont feels that when the Council holds professional development for itself and staff, such as done at Alton Jones on occasion, attendance by Council members should be mandatory.

Mr. Tikoian thanked the members for their insight and directed staff to prepare the parameters for bringing such issues and agency initiatives/activities to the Council.

**Item 7.A. Staff Report – Rules and Regulations Governing Freshwater Wetlands in the Vicinity of the Coast.** J. Willis explained how staff has been meeting with DEM, who will be revising their freshwater wetlands regulation shortly, and that because the Council regulates freshwater wetlands consistently with DEM, that the Council will need to revise its reciprocal regulations soon thereafter.

**ADJOURN.** Mr. Lemont, seconded by Mr. Chateaufort, moved to adjourn. All voted in favor of the motion, and the subcommittee adjourned at 6:37 p.m.

Respectfully submitted July 27, 2006 by

Jeffrey M. Willis  
Deputy Director